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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,571	09/27/2000	Klaus Schulz	00-P-7411-US01	2858

26161 7590 10/18/2004

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BOSTON, MA 02110

EXAMINER

LUEBKE, RENEE S

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/672,571	SCHULZ & VAN DOORN	
	Examiner	Art Unit	
	Renee S. Luebke	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8, 10-16 and 18-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8, 10-14 and 22-28 is/are rejected.
- 7) ☒ Claim(s) 1-4, 6, 7, 15, 16, 18-21 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/02, 11/03 & 8/04</u> | 6) <input type="checkbox"/> Other: _____ |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 28, 2004 has been entered.

2. The disclosure is objected to because on page 3, line 26, it appears that "3A" should be -4A-. In addition, the amendment submitted on July 28, 2004 for page 4 should replace the paragraph beginning at line 29 (not 39). Appropriate corrections are required.

3. Claims 1-4, 6, 7, 10, 13, 15, 16, 18-23, 28 and 29 are objected to because of the following informalities:

a. Claim 1 does not properly describe the invention. It appears that the second section should state "a cam disposed on an exposed bottom outer surface of [a transceiver] the housing and configured to engage [the transceiver] a cage latch within the cage; and."

b. Claim 10 is redundant in view of the recent amendments to claim 8 from which it depends.

c. In claims 13 and 18, "cage latch" should be changed to -latch- to be consistent with claims 8 and 15 from which they respectively depend.

d. In claim 15 on line 2 "transceiver" should be changed to -transceiver housing- and on line 3 "cam" should be changed to -transceiver cam- in order to be consistent with usage of these terms throughout the claim.

e. Claim 21 should apparently be changed to depend from claim 15, since claim 17 has been deleted.

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f. In claims 22 and 28, it appears that "an interior region" should be changed to -the interior region- since this region has been defined in claims 8 and 24 from which they respectively depend.

g. On line 4 of claim 29, "transceiver" should be deleted in order to be consistent with terminology used earlier in the claim.

Appropriate corrections are required.

4. It is noted that the text of cancelled claims (such as claim 17) should not be included in the listing of claims.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8, 10-14 and 24-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Branch, et al. This cage 20 comprises a housing 24, formed by upper, lower and rear portions for receiving a pluggable transceiver 22; a slot 86 for engaging a transceiver cam 84; and a latch 88 formed integrally with the housing. The cage is configured to shield the transceiver against electromagnetic interference (see the Abstract). The latch has an inner surface

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that flares outwardly as seen by the dashed lines of Fig. 1. In regard to claims 11 and 26, it also has an ejection mechanism 76. In regard to claim 12 and 27, pins 47, 49 define a circuit card connector.

8. Claims 22, 23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Branch in view of Doye et al. Branch discloses the invention substantially as claimed, but does not disclose the housing including sidewalls or springs in the upper portion. However, Doye teaches a cage housing for a similar structure including sidewalls and the use of springs 64. It would have been obvious to include sidewalls in the structure of Branch to provide a more complete shielding, including for the sides of the inserted connector, and to include springs in an upper portion in order to more securely hold the cage in place.

9. Claims 1-4, 6, 7, 15, 16, 18-21 and 29 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

10. Any response to this action may be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to:


(703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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11. Any inquiry concerning this communication from the examiner should be directed to Mrs. Renee Luebke whose telephone number is (571) 272-2009.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (571) 272-2800, extension 33.

A handwritten signature in black ink, appearing to read 'RSL', is positioned above the printed name of the examiner.

Renee S. Luebke
Primary Patent Examiner
October 14, 2004